

ADOT JPA File No.: 99-187  
**Amendment No. Four (4)**  
AG Contract No.: KR99-2769TRN  
Project: SR 303L  
**TRACS No.: H5621 01D/S1D**  
**Budget Source Item No.: 42707**  
**C-64-00-261-2-05**

**AMENDMENT NO. Four (4)**  
**TO**  
**INTERGOVERNMENTAL AGREEMENT**

**BETWEEN**  
**THE STATE OF ARIZONA**  
**AND**  
**THE MARICOPA COUNTY, ARIZONA**

**THIS AGREEMENT** is entered into this date June 12th, 2007, **Amendment No. Four to JPA No. 99-187, A.G. Contract No.: KR99-2769TRN, filed with the Secretary of State under No. 24136**, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the MARICOPA COUNTY, acting by and through its BOARD OF SUPERVISORS (the "County").

**I. RECITALS**



1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes § 11-251 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the County.

**THE PURPOSE OF THIS AMENDMENT:** The State has resumed control of the SR 303L Corridor per the original intergovernmental agreement (JPA 99-187) and subsequent amendments, attached hereto and made a part hereof. Therefore, the State agrees to provide funds to the County to complete the final efforts of the Design Concept Report (DCR) and the Environmental Assessment (EA), a lump sum amount of \$73,989.00.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, this **Amendment** is as follows:

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NO. 24136  
Filed with the Secretary of State  
Filed: 6-12-07  
  
Secretary of State  


**II. SCOPE OF WORK**

**Article II, Paragraph 1.i. is added to the original Agreement subsequent Amendments as follows:**

1. The State shall:

i. Upon execution of this Amendment and receipt of an invoice from the County, remit a lump sum amount of \$73,989.00 to the County to complete the final efforts of the Design Concept Report (DCR) and the Environmental Assessment (EA).

**Article II, Paragraph 2.h. is added to the original Agreement and subsequent Amendments as follows:**

2. The County shall:

i. Upon execution of the Amendment, invoice the State a lump sum amount of \$73,989.00 to complete the final efforts of the Design Concept Report (DCR) and the Environmental Assessment (EA).

j. Provide the State all final documents relative to the DCR and the EA upon completion of its efforts.

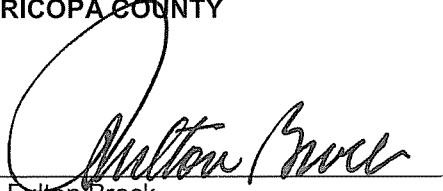
**EXCEPT AS AMENDED** herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

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**IN WITNESS WHEREOF,** the parties have executed this Amended Agreement the day and year first above written.

**MARICOPA COUNTY**


By

  
Fulton Brock  
Chairman of the Board

**STATE OF ARIZONA**


Department of Transportation

By

  
DANIEL S. LANCE  
Deputy State Engineer, Valley Transportation

ATTEST:

By

  
FRAN MCCARROLL  
Clerk of the Board

MAY 02 2007

Agenda Activity: Action  
 Department: Transportation  
 Category: Regional Development Services  
 Contact: Brenda Zambelli  
 Return to: Brenda Zambelli  
 Location: DEPT OF TRANSPORTATION ADMIN BLDG

Agenda Number: C-64-00-261-2-04

Phone: 506-4616 Continued from:  
 Phone: 506-4616

#### Action Requested:

Approve the Third Amendment to the Intergovernmental Agreement (IGA) between the State of Arizona, acting through the Arizona Department of Transportation (ADOT), and Maricopa County Department of Transportation. The purpose of this Amendment is that the State wishes to exercise their right to fully operate, maintain and construct Loop 303 and/or Estrella Roadway effective June 30th, 2006, and will recommend reimbursement to the County, for the difference in the advanced right-of-way required to accommodate future traffic interchanges as referenced in the Agreement that was executed on July 31, 2000, Section II 1.g.

#### Complete description of action requested:

The Third Amendment states that effective June 30th, 2006 the State will exercise their right to construct, maintain and fully operate Loop 303 project as a fully controlled access facility. The State will recommend that the County be reimbursed for the difference in the advance right of way acquired from a 300 +/- wide foot corridor requested by ADOT, versus a 140 foot wide corridor, and for future traffic interchanges a referenced in the Agreement that was executed on July 31, 2000, Section II 1.g. The County will relinquish all right of way interest acquired as part of the County's development of the Loop 303 and/or Estrella Roadway.

Supervisory District Numbers: 4 & 5

#### PERFORMANCE INFORMATION:

Program: Support Transportation Systems

Activity: Project Partnerships

Performance Measure: % of MCDOT projects that go to bid and are eligible for partnerships and have partnerships in place.

Anticipated Results: State will assume full operational and maintenance responsibilities of Loop 303

Expenditure Impact by FY(s):

No Impact

Routing: Meeting Date: 06/21/2006		
Legend X=Pending A=Approved R=Rejected		
CNTY_ENGR	LEGAL	OMB
A	A	A

*John McCarroll*

"Please return an ~~original~~ original to the Clerk of the Board of Supervisors."

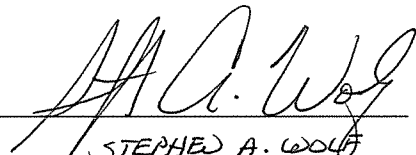
**Amendment No. 4**


APPROVAL OF THE MARICOPA COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the MARICOPA COUNTY (the "County") and declare this agreement to in proper form and within the powers and authority granted to the County under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 14<sup>TH</sup> day of APRIL, 2007.

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Attorney

  
STEPHEN A. WOLF  
DEPUTY COUNTY ATTORNEY  
MARICOPA COUNTY

<p>TERRY GODDARD Attorney General</p>	<p> <b>OFFICE OF THE ATTORNEY GENERAL</b> STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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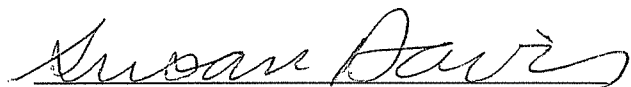
**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR99-2769TRN (**JPA 99-187, Amendment No. 4**), an Agreement between public agencies, i.e., The State of Arizona and The Maricopa County, Arizona, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: June 5, 2007

TERRY GODDARD  
Attorney General

  
SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:mjf:11868  
Attachment